

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RONDEL DELBERT GARDNER,)	Case No.: 1:20-cv-00240-NONE-SAB (PC)
)	
Plaintiff,)	
)	<u>ORDER ADOPTING FINDINGS AND</u>
v.)	<u>RECOMMENDATIONS</u>
)	
GAVIN NEWSOM, et.al.,)	(Doc. Nos. 52, 53, 54)
)	
Defendants.)	
)	

Plaintiff Rondel Delbert Gardner is proceeding *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 8, 2020, plaintiff filed with the court what he characterized as a “motion to quash.” (Doc. No. 52.) On September 10, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion to quash (construed as a motion for declaratory relief) and his request to present evidence be denied. (Doc. No. 53.) The findings and recommendations were served on plaintiff and contained notice that objections were due within fourteen days. (*Id.*) On September 14, 2020, Plaintiff filed a request to present further evidence in support of his motion to quash. (Doc. No. 54.) On September 21, 2020, plaintiff filed objections to the findings and recommendations. (Doc. No. 55.)

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de*
2 *novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections and
3 request to present further evidence, the court concludes that the magistrate judge's findings and
4 recommendations are supported by the record and by proper analysis. Reading plaintiff's filings
5 liberally, the magistrate judge reasonably construed plaintiff's motion as a request for declaratory
6 relief under Federal Rule of Civil Procedure 57. (Doc. No. 53 at 1–2.) Because this case is still in its
7 early stages, with no answer having been filed or discovery having taken place, the magistrate judge
8 correctly concluded that Rule 57 relief is inappropriate. (*See id.* at 2.) Plaintiff's objections and other
9 filings do not materially address these properly reached conclusions.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 10, 2020, (Doc. No. 53), are
12 adopted in full; and
- 13 2. Plaintiff's motion to quash and present evidence (Doc. Nos. 52, 54) are denied.
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15 IT IS SO ORDERED.

16 Dated: September 26, 2020

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19 UNITED STATES DISTRICT JUDGE
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